

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BROKER GENIUS INC.,

Plaintiff,

Case 1:17-cv-08627-SHS

v.

**GUINIO VOLPONE,
RAY VOLPONE,
DREW GAINOR,
STUART GAINOR,
VOLPONE SOFTWARE LLC,
GAINOR SOFTWARE, LLC,
SEAT SCOUTS LLC and
EVENT TICKET SALES LLC,**

Defendants.

**DECLARATION OF ANDREW T. MILTENBERG, ESQ. IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S
SECOND AMENDED COMPLAINT**

ANDREW T. MILTENBERG, ESQ., hereby declares subject to the penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am a member of the law firm of Nesenoff & Miltenberg, LLP, attorneys for Defendants Guinio Volpone, Ray Volpone, Drew Gainor, Stuart Gainor, Volpone Software LLC, Gainor Software, LLC, Seat Scouts LLC and Event Ticket Sales LLC (collectively, "Defendants"). I submit this declaration in support of Defendants' Motion to Dismiss Plaintiff Broker Genius' Second Amended Complaint.

2. Annexed hereto as **Exhibit 1** is a true and correct copy of the Second Amended Complaint and the accompanying exhibit filed in this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
March 15, 2018

/s/ Andrew T. Miltenberg
Andrew T. Miltenberg, Esq.